

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**

**CHAPTER 13 CASE NO.:**

**MICHAEL W. MONAGHAN, JR.**

**16-10941-JDW**

**TRUSTEE'S OBJECTION TO MOTION TO MODIFY CHAPTER 13 PLAN**

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the "Trustee"), by and through counsel, and files this Objection to the Debtor's Motion to Modify Chapter 13 Plan (the "Motion") (Dkt. #71); and in support thereof states as follows:

1. The Motion does not clearly state whether the Debtor is seeking a suspension of plan payments or if he is seeking to stop making payments to nonpriority unsecured creditors.

2. Further, the Debtor is delinquent in plan payments to the Trustee in the amount of \$15,440.62 through December 2019 which the Motion fails to address. Additionally, the Motion states that the Debtor estimates that he will not be able to go back to work until at least March 2020. Therefore, the Trustee submits that the case is no longer feasible and should be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that this Objection be received and filed and upon a hearing hereon, this Court will enter its order denying the Motion and dismissing the case and for such other, further and general relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: January 2, 2020.

Respectfully submitted,

**LOCKE D. BARKLEY**  
**CHAPTER 13 TRUSTEE**

By: /s/ Melanie T. Vardaman  
ATTORNEYS FOR TRUSTEE  
W. Jeffrey Collier (MSB 10645)  
Melanie T. Vardaman (MSB 100392)  
6360 I-55 North, Suite 140  
Jackson, Miss. 39211  
(601) 355-6661  
[ssmith@barkley13.com](mailto:ssmith@barkley13.com)

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: January 2, 2020.

/s/ Melanie T. Vardaman  
MELANIE T. VARDAMAN